

Membership Balance Plan Ocean Research Advisory Panel

Agency: Department of Defense (DoD)

- 1. Authority:** The Secretary of Defense, under the provision of 10 U.S.C. § 7903, the Federal Advisory Committee Act (FACA) of 1972, (5 U.S.C., Appendix, as amended) and 41 CFR § 102-3.50(a) (required by statute), established the Ocean Research Advisory Panel (hereafter referred to as “the Panel”).
- 2. Mission/Function:** The Panel under the provisions of 10 U.S.C. § 7903 and FACA, shall provide independent scientific advice and recommendations to the National Ocean Research Leadership Council (hereafter referred to as “the Council”). The Council operates as the National Ocean Council as directed by Executive Order 13547 and consists of the Secretaries of the Departments and Administrators and Directors of Federal Agencies that have interest in improving the knowledge and understanding of the ocean.
- 3. Points of View:** The Panel shall be comprised of no less than 10 and no more than 18 members. DoD looks for individuals with extensive professional experience in the fields of science, engineering, medicine, ocean industries when selecting individual members for this advisory committee. State government, academia, individuals eminent in marine science, marine policy or related fields, and such other views as the chairman considers appropriate.

The Council represents all elements of U.S. government with interests in the ocean to promote the national goals of assuring national security, advancing economic development, protecting quality of life, and strengthening science education and communication. Thus, the span of the interest and responsibility includes activities of the government beyond the normal interest of the Department of Defense.

The Department of Defense is required to provide a Panel capable of viewing the complex issues facing the Nation through a multidiscipline advisory committee in order to provide the American public with a broader understanding on which to base subsequent policy decisions.

Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before the Panel, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest. Panel members appointed by the Secretary of Defense, who are not full-time or permanent part-time Federal officers or employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and to serve as special government employees. Panel members shall be appointed on an annual basis by the Secretary of Defense.

The Panel’s membership balance is not static and the Secretary of Defense may change the membership based upon work assigned to the Panel by the Council. In addition, the Department, unless otherwise directed by an Act of Congress or Presidential directive, does not use representative members on DoD established or supported advisory committees.

- 4. Other Balance Factors:** Candidates for appointment come from academia, the private sector, former senior government employees, or senior military officers. The Panel shall include members who

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represent the National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine. Based upon an agreement among these institutions and the Council, one member designated by the institutions will represent all three institutions and his or her membership shall be approved by the Secretary of Defense. The Panel must also represent the views of ocean industries, State governments, academia, individuals eminent in marine science, marine policy or related fields, and other views as the Council considers appropriate. There is also a desire for consideration of geographic balance to ensure the viewpoints of the different coastal and marine localities are represented.

- 5. Candidate Identification Process:** Potential candidates, based on the educational and professional credentials of individuals are identified by an announcement in the Federal Register and discussed with representatives of the Council. After the identification of a field of possible candidates, a screening committee, under the auspices of the Council further narrows the list of potential candidates based on the current needs of the Council. Once potential candidates are identified, the Chairman reviews the credentials of each individual, striving to achieve a balance between the professional credentials of the individual and the near term subject matters that he anticipates will be reviewed by the advisory committee. The Chairman then appoints the Board's membership.

Before formal nomination to the Secretary of Defense, the list of potential candidates undergoes a review by the DoD Office of General Counsel and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements; for example, compliance with the advisory committee's charter and membership balance plan. Following this review, the Secretary of the Navy formally nominates the potential candidates to the Secretary of Defense for approval; pursuant to DoD policy, only the Secretary of Defense or the Deputy Secretary of Defense can invite or approve the appointment of individuals to advisory committees established or supported by the Department of Defense.

Following Secretary of Defense or Deputy Secretary of Defense approval, the approved candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

The Secretary of Defense may approve the appointment of Panel members for one to four year terms of service; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. This same term of service limitation also applies to any DoD authorized subcommittees for the Panel.

- 6. Subcommittee Balance:** The Council or the Department of Defense, when necessary, and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees deemed necessary to support the Panel. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, the advisory committee's sponsor, or the Council.

Currently, the Panel has four subcommittees: the Ocean Education Sub-Panel, the Ocean Industry Sub-Panel, the Ocean Observing Sub-Panel, and the Ocean Acidification Task Force.

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Subcommittee members are selected by the Secretary of the Navy, and the Secretary of Defense or the Deputy Secretary of Defense shall approve their appointments in the same manner as Panel member appointments are made. These individuals may come from the parent committee or new nominees, as recommended by the advisory committee's sponsor and based upon the matters under consideration. The subcommittee's membership is balanced in the same manner as the parent committee. As required by the Panel's charter, these subcommittees operate under the provisions of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), governing Federal statutes and regulations, and governing DoD policies/procedures.

7. **Other:** The DoD adheres to the rules and regulations issued by the Office of Government Ethics and the Administration's prohibition against registered Federal lobbyists.
8. **Prepared:** February 10, 2012